

March 18, 2021

CITY OF WASHBURN PLAN COMMISSION MEETING

5:30PM Washburn City Hall & Remote Video Conferencing

COMMISSION MEMBERS: Dave Anderson, John Baregi, Leo Ketchum-Fish, Mary Motiff, Adeline Swiston, Britt Serrine, Matt Simoneau

ABSENT:

MUNICIPAL PERSONNEL: Scott Kluver City Administrator, Tammy DeMars City Treasurer/Deputy Clerk

Meeting called to order at 5:30pm by Motiff attendance as recorded.

Approval of Minutes – February 18, 2021 – Moved by Swiston to approve the minutes of February 18, 2021 second by Anderson. Motion carried 6-0, with Ketchum-Fish abstains as he was not at the meeting.

Discussion and Action on Special exception Request to Enlarge a Non-Conforming Structure, 410 End Ave. East – Erin and Tony Jennings Petitioner –

The petitioners have submitted an application to construct a 30' x 14' attached garage to their residence. The issue is the residence is already non-conforming, the current rear yard setback is 22' current zoning requires 25' for a primary structure, if allowed to put the addition on the rear yard setback would be reduces to 8'. Article 21-4 Non-conforming structures (b) Enlargement "A nonconforming structure that is used for a conforming use may be enlarged provided the Plan Commission authorizes such enlargement pursuant to the requirements in Article 7". Mr. Jennings address the Commission, he states the garage is almost a necessity to them, and attaching it to the rear of the house would be much more attractive than placing it in the side yard. Moved by Swiston to open floor, second by Anderson. Motion carried 7-0. Greta Kochevar, 209 E. 4th Street has the property next to Tenney and has no issue with the attached garage. Dave Bratley, 402 N. 2nd Ave East, is concerned with the possibility of it being placed on the south side as shown in the drawing, but does not object to it being attached to the house. Britt Serrine, 416 N. 2nd Ave East, also supports the attached garage. Moved by Anderson to close floor, second by Ketchum-Fish. Motion Carried 7 to 0. Discussion held; the factors outlined in 7-154 reviewed. 1) The size of the property in comparison to other properties in the area; *Property is comparable to adjoining properties* 2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter; *neutral, unsure of what the intent of the chapter is.* 3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception; *Properties in this area have similar issues* 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted; *No known impact* 5) The nature and extent of anticipated positive and negative effects on properties in the area; *Positive is existing neighbors are supportive, negative setback violations will be greater* 6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception; *Unknown* 7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception; *Article 21, Section 4 (b) and 8)* Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law. All though all other dimensional standard for the proposed garage can be met, the Deputy Zoning Administrator recommends denial for this exception as it would create a gross violation of the setback regulations and it goes against the standards, we have used to not make any violation greater that it already is. Ketchum-Fish asks City Attorney Lindsey, if we approve this are, we setting a precedence? Lindsey feels it would not, as long as you have substantial evidence that there is no negative impact for the neighborhood. Ketchum-Fish moves to approve this special exception request to add the attached garage to the residence, based on 1) this property is comparable to adjoining properties, as the adjoining properties have the same issues;3) the unique circumstance that other options are less desirable to three of the adjoining neighbors; 5) the positives outweigh the negative, the intention of this standard is to provide spacing between neighbors and in this case provides the best option per three of the adjoining neighbors, there would be no significant problem that would out way the positives for this special exception, second by Swiston. Motion carries 4 to 2 Anderson, Ketchum-Fish, Swiston, Motiff yes; Baregi, Simmoneu No; with Serrine abstaining due to being a neighboring property.

Discussion & Action on Special Exception Request to Place Garage in Front Yard, 210 W. Woodland Drive – Brian and Josie Fleig Petitioner-

The petitioner is requesting to put a 28' x 32' Garage in the front yard of their home at 210 W. Woodland Drive. In accordance with Article 7 of the Zoning Code, Plan Commission may approve a special exception to allow an accessory building in front of the principal building. Moved by Baregi to approve the special exception request to place garage in front yard at 210 W. Woodland Dr., second by Ketchum-Fish. Section 7-154 was reviewed as follows: 1) The size of the property in comparison to other properties in the area – *Property is about 2 acres and is comparable to other properties* 2) The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter; *this request is not unreasonable* 3) Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception; *this location is better suited as the drain field would be in the way to expand the other garage* 4) The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted; *no known impact, would not need to remove as many trees* 5) The nature and extent of anticipated positive and negative effects on properties in the area; *no known negative effects* 6) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception; *no negative effects* 7) A factor specifically listed under a section of this chapter authorizing the issuance of a special exception; *Article 8, Section 8-75 and 8)* Any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law *non known.* Vote on original motion, 7-0 motion carried.

Discussion & Action on Plan of Operation-211 W. Bayfield St., David Sneed Petitioner –

Mr. Sneed is changing his plan of operation from office space to a Martini Bar. Mr. Sneed's questions in regards to serving outdoors were addressed and he was advised he would need to get a separate permit to do that. Moved by Ketchum-Fish to approve the plan of operation for a Martini Bar at 211 W. Bayfield Street, second by Anderson. Article 7-115 outlines the factors the Plan Commission must use to make their decision to approve or deny. 1) The nature of the land use with regard to the number of employees, nature and extent of truck shipments to and from the site, hours of operation, use of hazardous substances and other operational characteristic *This operation is allowable in this Zoning District C-3, truck shipments would be minimal, he has not listed the number of employees but does have the maximum occupancy to 15 people with normal business owners of 4-10pm daily with some weekend mornings during tourist season. This is in the Downtown Parking District so parking spots are not restricted, but he does have ample off-street parking.* 2) The nature and extent of anticipated positive and negative effects on properties in the area; *due to the small size of the operation there is no need for loading docks, no negative effects known* 3) Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use; *No know negative effects.* Vote on original motion, 7-0 motion carried.

Discussion & Action of Request to Place Mural's on Front of the Artists on the Byway Building Located at 406 W. Bayfield Street, Susan Lince and John Hopkins, Petitioner –

Moved by Ketchum-Fish to approve the placement of three art work murals at the locations shown in drawing, second by Anderson. Motion carries 7-0

Discussion & Action on Façade Loan Application – Artists on the Byway, 406 W. Bayfield Street, John Hopkins & Susan Lince, Petitioner –

Mr. Hopkins & Ms. Lince are asking to borrow \$4,728.81 for their project. This project would include painting, landscaping, murals and new signage. Administrator Kluver has reviewed application and finds it meets the technical requirements of the program. Motion to approve the Façade Loan Application for John Hopkins & Susan Lince, Second by Swiston. Discussion on the percentage of the property used for commercial space, was determined that if the bedroom on the main floor was being turned into gallery, they would be at least 50% commercial as required. Vote on original motion to approve carries 7-0.

Conceptual Discussion on Ordinance Change Regulating Tourist Rooming House-

After our recent experience with the contentious request for Conditional Use Permit for a tourist rooming house, Administrator Kluver feels the conditional use permit process is an ineffective tool for regulating such activity, and state law changes effecting conditional use permits and short-term rentals have effectively limited the options that are available to impose regulations. City Attorney Lindsey agrees and would like some recommendation on what the Commission would like to see in the form of an ordinance for regulation/rules for tourist rooming house. Discussed included; fees, restrictions on length of stay, number of people per room. Attorney Lindsey will draft a proposed ordinance change for the next meeting.

Discussion on Downtown Design Standards for Façade on Accessory Structures- postponed discussion until the next meeting.

We will also begin looking at the Land Matrix at the next meeting to determine what Conditional Use Permit uses should be removed and put standard regulations in for those along with a discussion requirement for Architectural Review.

Follow-Up Discussion with Jason Laumann of NWRPC on Comprehensive Plan Revision Interactive Issues Exercise– No Discussion needed

Adjourn – Motiff adjourns meeting at 8:15pm

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk